

110TH CONGRESS  
2D SESSION

# S. 2146

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IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2008

Referred to the Committee on Energy and Commerce

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## AN ACT

To authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. EPA AUTHORITY TO ACCEPT DIESEL EMIS-**  
 2 **SIONS REDUCTION SUPPLEMENTAL ENVI-**  
 3 **RONMENTAL PROJECTS.**

4 The Administrator of the Environmental Protection  
 5 Agency (hereinafter, the “Agency”) may accept (notwith-  
 6 standing sections 3302 and 1301 of title 31, United States  
 7 Code) diesel emissions reduction Supplemental Environ-  
 8 mental Projects if the projects, as part of a settlement  
 9 of any alleged violations of environmental law—

- 10 (1) protect human health or the environment;  
 11 (2) are related to the underlying alleged viola-  
 12 tions;  
 13 (3) do not constitute activities that the defend-  
 14 ant would otherwise be legally required to perform;  
 15 and  
 16 (4) do not provide funds for the staff of the  
 17 Agency or for contractors to carry out the Agency’s  
 18 internal operations.

Passed the Senate February 29, 2008.

Attest: NANCY ERICKSON,  
*Secretary.*